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and I think that they lost control of their suit that they originated. It turned into a court battle to dismantle the Beatrice Home. This panel was originated in an out-of-court settlement. Governor Exon and the Attorney General signed it. I think that in a little bit of haste and in a careless manner, it is already backfired upon the state at this point, because there has been feeling that the panel and the system has not tried to work with, in an advisory capacity, but to take over the running of the institutional program and the direction of where the people are placed.

SENATOR STONEY: Would this not be a responsibility of the Legislature that in essence that has been usurped?

SENATOR BURROWS: I certainly feel so. I think that the court, the Constitution clearly sets the control of the institutional programs and the retarded. Clearly sets it as a function of the State Legislature. Our State Constitution is clear violation of our State Constitution.

SENATOR STONEY: I think that Senator Bereuter makes a good point. We have an appropriation request for a deficit amount of nearly \$30,000 and I think that his question is one that we should all think about very seriously from whence came these funds. Where was the support? Would you have any ideas? Senator Burrows?

SENATOR BURROWS: I am assuming that the funds that have been paid so far are coming out of the Department of Institutions. Which, currently, I feel is a step in the wrong direction. Take money that should be going to the very handicapped and retarded people to pay for a panel and pay \$200 a day salaries for somebody doing a job that we didn't authorize, that we didn't want in taking over our state government.

SENATOR STONEY: If this money has been allocated from the Department of Institutions, then they have been in error in making such appropriations. Would that not be correct?

SENATOR BURROWS: I would feel that there has been an error already made and the attempt here of course is to stop future continuation of this error, in carrying this \$29,000 plus for the next six month period.

SENATOR STONEY: Well, fellow members, I would rise in support of Senator Burrows amendment. I think that this is an item that we should all pay a great deal of attention too. Once again I think that it indicates that there is one agency or another branch that is once again usurping power that should be in the hands of the Legislature. I think that one certain way to help eliminate this would be to eliminate the appropriation requested. Therefore, I would urge you to support Senator Burrows amendment.

PRESIDENT: Senator Murphy.

SENATOR MURPHY: Just briefly, I would like to add a concern not about the appropriation or about the department or about